



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY CADET COMMAND
FORT MONROE, VIRGINIA 23651-5000

REPLY TO
ATTENTION OF

ATCC-PC

6 November 1998

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Issues Concerning Cadet Actions for FY 99

1. References:

a. Memorandum, this headquarters, ATCC-PC, 17 April 1998, subject: Flow of Cadet Actions.

b. Memorandum, First Region (ROTC), ATOA-PAC, 17 June 1998, subject: First Region Input on the Flow of Cadet Actions.

c. First Endorsement, Second Region (ROTC), ATOB-PA-C, 30 June 1998, subject: Flow of Cadet Actions.

d. Memorandum, Fourth Region (ROTC), ATOD-PC, 24 June 1998, subject: Flow of Cadet Actions.

e. Memorandum, this headquarters, ATCC-ZA, 13 July 1998, subject: Memorandum of Instruction (MOI) for Functional Transfer

2. Purpose. This memorandum provides information regarding the transfer of functions, approval authority and the flow of cadet actions for FY 99.

3. Discussion.

a. Transfer of Functions. In accordance with Reference e above, requests for Scholarship Termination/Retention, Probations, Leaves of Absence, Exceptions to Policy/Other Waivers (RE, Dependency, etc.), and Scholarship Waiver of Rights Disenrollment were due to transfer to this headquarters and/or Brigades/Battalions in October 1998. Due to an unanticipated delay in the date for hiring personnel, Region will continue to process the Scholarship Waiver of Rights and recoupment actions until 1 December 1998. Effective upon receipt of this memo, all other cadet actions listed above will be forwarded to the appropriate approval authority (see enclosure 1). Actions currently pending at Region Headquarters will be completed.

ATCC-PC

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b. Flow of Cadet Actions. Until the Cadet Command Pamphlet 145-4, *PMS Guide for Enrollment, Retention and Disenrollment*, is revised the matrix provided at enclosure 1 will be used to determine the flow of cadet actions for FY 99. In accordance with References a through d above, all comments from the Region Commanders regarding the "flow of cadet actions" have been considered and the following information is provided:

(1) In most cases it was the consensus that the majority of cadet actions due to transfer should flow directly from the battalion to this Command. There are few exceptions where the Region Commanders' input could impact on the final outcome.

(2) At the discretion of the Region Commander, any action may flow through the Region and/or Brigade Commander for input. However, the Region Commander should consider whether there is sufficient staff to handle these actions in a timely matter.

c. Revised Guidance. Enclosure 2 contains Change 03 to CC Pam 145-4 which provides revised guidance to the Brigade and Battalion Commanders for processing leaves of absence (LOA), probations, scholarship termination/retention and disenrollments. A revised matrix listing the required supporting documentation to process cadet actions is provided at enclosure 3. Disseminate this information to all Brigade and Battalion Commanders.

d. Disposition of Cadet Files. Transferring of cadet action files currently at Region Headquarters will be coordinated at a later date with each Region P&A Division Chief.

e. Delegation of Authority for Minor Non-Traffic/Traffic Offenses. In a continuing effort to streamline and reduce paperwork, this Headquarters will submit a change to the Department of the Army regarding delegating the approval/disapproval authority for minor non-traffic/traffic convictions to the Brigade/Battalion Commander. We are also exploring the possibility of eliminating the waiver requirement for some of these offenses.

FOR THE COMMANDER:

Encls

C. PAUL WHITAKER
Colonel, GS
Director, Personnel and
Administration Directorate

DISTRIBUTION: A

Department of the Army
Headquarters, U.S. Army
Cadet Command

Cadet Command Pamphlet 145-4
Change 03

1 November 1998

Reserve Officers' Training Corps
ENROLLMENT, RETENTION AND DISENROLLMENT CRITERIA,
POLICY AND PROCEDURES

SUMMARY. This is a change to the Cadet Command Pamphlet 145-4, 1 September 1994. This change provides guidance concerning leaves of absence (LOA), probations, scholarship termination/retention and disenrollments based on the Cadet Command functional transfers for FY 99. Changes are bolded, italicized and underlined, with the exception of Chapter 7 which was revised in its entirety.

SUGGESTED IMPROVEMENTS. The proponent for this pamphlet is the Director, Cadet Personnel and Administration Directorate. Send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publication and Blank Forms) through channels to Commander, U.S. Army Cadet Command, ATTN: ATCC-PC, Fort Monroe, VA 23651-5237.

1. Remove old pages and insert new pages as follows:

<u>Remove Pages</u>	<u>Insert Pages</u>
49 thru 52	49 thru 52
76 thru 83	76 thru 83-13
107 thru 137 (App K & L)	N/A

2. File this change page in front of the publication for reference.

3. This pamphlet is currently under major revision for publication prior to FY 00. Other necessary changes will be included in that revision.

f. Ensuring that all enrolled students are promptly notified of any changes in enrollment or retention criteria.

g. Monitoring the academic progress of all enrolled Advanced Course students toward baccalaureate degree completion. Additionally, scholarship cadet's academic progress will be reviewed at the beginning and end of each semester/term to ensure that their contractual academic quality obligations have been met as stated in paragraph 5-1 above.

h. Determining if the cadet is failing to maintain acceptable standards for retention in the program as a result of the review or monitoring and, as appropriate, counsel the cadet and/or initiate probation, termination, disenrollment or other appropriate administrative action.

i. Advising all cadets that as a contracted ROTC cadet they are ineligible for enlistment in any service until properly released from their ROTC contractual obligation and discharged from the USAR Control Group (ROTC).

5-3. Leave of Absence (LOA).

a. A leave of absence from ROTC training for a semester or more may be granted only by the **Brigade Commander**, unless subparagraphs (1) through (7) below indicate that the Battalion Commander/PMS may authorize the LOA under the provisions of AR 145-1, paragraph 3-38.

(1) The cadet needs more than the normally required time to devote to studies to complete degree requirements.

(2) The normal period for degree requirements is extended because of minor academic difficulties, addition of another course or for similar reasons. (The Battalion Commander/PMS may authorize an LOA for one semester or equivalent.)

(3) The cadet enrolls in an academic curriculum requiring five years for completion. (The Battalion Commander/PMS may authorize LOA for one semester or equivalent.)

(4) LOA for medical reasons (illness, pregnancy, injury or convalescence from illness) may be authorized by the Battalion Commander/PMS for one academic term. An LOA for medical reasons which is expected to, or does, interfere with full

performance of duty for over 45 days. LOA should be initiated for one semester/term and appropriate medical information sent to HQ Cadet Command for a medical evaluation to determine if the cadet should be retained or disenrolled. If the medical condition is resolved and the cadet is allowed by his doctor to fully participate in less than 45 days, a medical determination action by Cadet Command is not required. If a second LOA is needed for medical determination it will be forwarded to HQ Cadet Command. The request will include all medical examinations the cadet has undergone to include ROTC entrance examination and any other medical documents.

(5) Cadets who are obligated scholarship students (MS II, III and IV) and who indicate an insincere commitment toward military science instruction and ROTC training will be placed on a LOA by the Battalion Commander/PMS for one academic term as an interim measure in order to forward a request for final determination which may result in a requirement to conduct disenrollment action. If the action is not completed within the LOA period, the battalion commander/PMS will extend the LOA for a second term. The Battalion Commander/PMS will recommend the termination of obligated cadets based on the minimum of four documented adverse/negative counseling sessions during a single semester/quarter. These documented counseling sessions must be submitted with the requested termination /disenrollment.

(6) The Battalion Commander/PMS may place cadets involuntarily on LOA for one academic term pending administrative action (i.e., disenrollment action). If the action is not completed within the LOA period the Battalion Commander/PMS will extend the LOA for a second term. Cadets on LOA will not be allowed to participate in ROTC training or military science class and will not be required to attend formations, drills, APFTs, weigh-ins or other ROTC activities. These cadets will not receive commissioning credit for the period while on LOA and will not be afforded financial assistance (if a scholarship cadet) or subsistence allowance. The Battalion Commander/PMS will ensure that a cadet placed on LOA is informed of the above in writing and that a copy of that memorandum is placed in the cadet's file.

(7) Special reasons not covered by the above categories. (These require **Brigade Commander** approval.) This includes study abroad. (See Cadet Command Reg 145-1, paragraph 9-1).

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b. A one year LOA may be granted to cadets enrolled in a five year academic program, including work study (cooperative) programs. The Battalion Commander/PMS may adjust the LOA period to accommodate the cadet's academic program.

(1) The cadet who starts ROTC training at the beginning of the freshman year will take his/her LOA during or after the Basic Course, but before enrolling in MS III.

(2) In cooperative programs, the leave of absence may be during the periods when the cadet is engaged in training or employment away from the academic institution.

c. Guidelines for the evaluation of LOA:

(1) LOA normally will not be granted in lieu of probation but may be appropriate to allow for academic realignment as a result of misalignment following probationary status.

(2) When an LOA is requested and the transcript indicates a probation is appropriate, approval of the LOA is to be contingent upon the cadet being placed in a probationary status when he/she returns to the ROTC Program.

(3) LOA can be granted for temporary medical conditions provided the condition can be resolved within the specified period (NTE 6 months) and prior to continued participation in ROTC. If the medical condition is not of a temporary nature, forward a request for medical determination to Headquarters, Cadet Command for medical review and final determination before the cadet returns to the ROTC program.

(4) When approving an LOA, the commissioning age of the cadet will be confirmed to ensure that the statutory age requirement is met because of the delay in the commissioning date (scholarship cadet must be under 27 years of age on 30 June of the commissioning year).

(5) The maximum length for an LOA is one year, unless exceptionally extenuating circumstances are involved (such as service on a church mission). Generally, a cadet is lost to the ROTC program if an extended LOA (over one year) is granted.

d. Any request for LOA or other delay in commissioning date will require a review of the cadet's continued eligibility for appointment. If the

request is approved, the change in commissioning date will be reported in the Cadet Data Base immediately upon receipt of the approval. If the LOA extends beyond a cadet's 8-year period of enlistment, the cadet must voluntarily extend the enlistment by an amount equal to the period of the extended enlistment or LOA. Extensions of enlistment will be executed IAW AR 601-280 and documentation will be filed in the cadet's file with the DD Form 4 series documents.

e. No compensation or allowance will be paid to a cadet while in LOA status. An LOA will not affect the period of benefits authorized.

f. Battalion Commanders/PMS must place a scholarship cadet on LOA when requesting termination and disenrollment pending resolution of the request regardless of whether or not the cadet is academically aligned. The LOA places the cadet in a nonparticipating status which suspends all scholarship benefits and subsistence payments.

g. The Battalion Commander/PMS will administratively suspend payment of scholarship benefits only without placing the cadet on LOA, when requesting the termination of scholarship status and retention of the cadet in nonscholarship status. In such cases payment of subsistence allowance would continue provided the cadet continues participating in the course of instruction and is enrolled in the Advanced Course. (See paragraph 5-5 below.)

h. A cadet is not to be placed on LOA based on the cadet's own desire to terminate the ROTC scholarship. Rather, subsequent to a breach of contract, the cadet is to be placed on LOA until a final determination in the case is made.

i. **Brigade commanders** may authorize a leave of absence not to exceed a total period of 2 years for students who are enrolled in internship, off-campus studies (to include study years abroad) or other academic studies required by the academic institution to obtain a baccalaureate degree.

j. A cadet requesting an LOA for bona fide reasons stated above, must make the request in writing, using ROTC CADET COMD Form 131-R. The cadet must give a full justification for the request and provide supporting documentation as appropriate. The justification must clearly state the beginning and ending dates of the LOA being requested.

k. A cadet who is absent from any part of military instruction will be required, according to the practice of the university, to make up the instruction missed before being credited with completing either the Basic or Advanced Course.

l. Requests for LOA will be submitted on ROTC CADET COMD Form 131-R. When cadets are placed on LOA appropriate university officials will be notified in writing of the commencement and termination of periods of LOA.

m. While students in a completion status are not subject to LOA provisions, they are under Battalion Commander/PMS control. Completion students requiring delays to complete commissioning requirements will be closely monitored.

n. Cadets in LOA status will be required to keep the battalion commander/PMS notified of their current address and telephone number at all times. This requirement will be placed in the LOA notification to the cadet.

o. Changes to the Cadet Data Base which reflect the initiation of or ending of an LOA will be made promptly as changes occur in order to ensure the accuracy of the cadet's enrollment status.

5-4. Probation.

a. A cadet's first priority is academics. Extracurricular participation in ROTC activities, such as Ranger Challenge or cadet leadership positions, which adversely affect their academic proficiency and progress will not be sanctioned. The following policy does not preclude a cadet from participating in training activities designed as part of the overall POI where rotation through various tactical leadership positions is part of the training objective. The purpose is to protect the cadet from over zealous "cadre" and to instill in the cadet a sense of accountability and self discipline vice using ROTC as an excuse for not making satisfactory grades. Cadre will avoid overusing and abusing the indispensable cadet leader who silently struggles to make the grades and earn a degree while relying on him to do more and more for the cadet battalion.

b. Probation is considered a warning. All cadet entitlements and benefits will continue during the period of probation. Due to the varying lengths of enrollments (2,3,4 years) and the difference in school

terms (semester, quarter, trimester) *the number of probations (greater than three) will be considered on a case-by-case basis by the Brigade Commander.*

c. Cadets under a first or second probation –

(1) are eligible to hold the rank of cadet 1LT and no higher.

(2) cannot perform duties of or be appointed to a cadet post of a commander (company commander, ranger commander, or other similar commander) or be assigned as the principle staff officer on the cadet battalion staff.

(3) are discouraged from participating in extracurricular activities, however battalion commanders may, in justifiable circumstances and without imposition on the cadet's academic time, permit a cadet to participate in only one such activity until such time as the cadet is removed from probationary status.

d. Cadets under third or greater probationary period are—

(1) not eligible to hold any office within the cadet battalion command structure.

(2) exempt from holding any rank.

(3) restricted from direct participation in extracurricular ROTC activities, ie., Ranger Organization, Ranger Challenge, and other similar nonmandatory POI activities.

e. The following standards must be applied to determine when probation is proper and when scholarship termination/disenrollment action is appropriate--

(1) semester/quarter/trimester and/or cumulative academic GPA falls below 2.0 on a 4.0 scale or its equivalent.

(2) failure to maintain full time academic status as determined by the university.

(3) progress toward a degree falls below that normally required for graduation at the scheduled time without sufficient cause or justification. (NOTE: This should be verified in writing from the respective department head, student academic advisor or other comparable university representative.)

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(4) the ROTC term or cumulative GPA falls below 3.0 on a 4.0 scale or its equivalent for scholarship cadets, or 2.0 on a 4.0 scale for nonscholarship cadets..

f. Guidelines for the evaluation of probations –

(1) Normally, a cadet's probation and retention of scholarship benefits (if applicable) should only be approved if the deficiency is such that corrective action by the student can resolve the deficiency within one term. This is recognizing the fact that the student may still be receiving full scholarship benefits while in such a status.

(2) Retention of any cadet beyond the *third* academic probation may be approved by the Brigade Commander on a case-by-case basis, i.e., consider length of time in program (2, 3, 4 yr scholarship), etc. . This authority may not be further delegated.

(3) Battalion Commanders/PMS will terminate scholarship and/or disenroll any cadet who has been placed on three probations whose retention is not approved by the Brigade Commander.

g. The Battalion Commander/PMS will place on academic probation for one academic term a cadet whose academic deficiencies places him/her in one of the categories listed above. Battalion Commanders/PMS have the authority to grant first, second and third probations to cadets whose cumulative GPA is greater than 2.0 on a 4.0 scale. Requests for third probations for those cadets whose cumulative GPA is below 2.0 will be forwarded to the Brigade Commander for approval. Brigade Commanders also retain personal authority to approve requests for greater than third probation. If a requested probation is disapproved, the battalion commander/PMS will initiate scholarship termination or disenrollment action as appropriate

5-5. Termination of scholarship/Retention as Nonscholarship.

a. If probation is not appropriate, the battalion commander/PMS will request termination of scholarship with retention as a nonscholarship cadet, if qualified under the scholarship contract. The cadet will not be required to reimburse scholarship funds received if the ROTC program is successfully completed and a commission is accepted, if offered. Scholarship benefits will be discontinued at this time, but the cadet will receive

subsistence allowance. Upon appointment, the cadet will assume the same active duty commitment as other scholarship cadets.

b. In order to initiate the termination of the scholarship but retain as a nonscholarship cadet, the battalion commander/PMS will –

(1) Place the cadet in an administrative suspension status (see para 5-6 below) and notify the student formally of the action being taken, the reasons thereof and his/her status in the program.

(2) Notify the institution of the suspension of the student's scholarship benefits.

(3) Submit the request to HQ, Cadet Command for final decision. If the student subsequently fails to meet nonscholarship criteria, disenrollment action will be submitted to HQ, Cadet Command IAW Chapter 7 below. The cadet will not be disenrolled/discharged without HQ Cadet Command decision.

5-6. Administrative Suspension (of Scholarship Benefits).

a. Administrative suspension is that status for scholarship cadets which suspends financial assistance to the cadet but which allows for the continued participation in the ROTC program and payment of subsistence allowance. Administrative suspension will be used in the following cases:

(1) When scholarship termination action is initiated but it appears likely that the cadet will be retained in a nonscholarship status.

(2) When a scholarship cadet has not provided medical documentation to clear a temporary disqualification from the Camp MWRB by the designated suspense (Appendix N).

(3) When scholarship nonmedical waivers have been submitted and are pending a decision regarding retention.

b. Cadets in an administrative suspension status will be notified in writing and will be subject to all requirements of the ROTC Program. The university in which the cadet is enrolled will likewise be notified. Administrative suspension status will be terminated immediately upon the resolution of the condition which caused the status to be initiated or upon initiation of disenrollment action.

Chapter 7. Disenrollments

Procedures

7-1. General.

a. When Disenrollment is Required.

(1) AR 145-1 requires initiation of cadet disenrollment actions for breach of contract and other criteria listed at AR 145-1, paras 3-43a(1)-(17). See para 5-5 above for guidance concerning scholarship termination with retention as a nonscholarship cadet.

(2) Sound leadership and mentoring may help avoid the requirement to initiate disenrollment. Therefore battalion cadre should closely monitor cadet grades, attendance and interest. However, cadre should rely on the procedures within this pamphlet when disenrollment action is necessary IAW AR 145-1.

b. References.

The following references apply to cadet disenrollments. Appointing authority, board members and IOs will read applicable Army references prior to actions relating to disenrollment--

(1) AR 145-1. Reserve Officers' Training Corps Program: Organization, Administration, and Training.

(2) AR 15-6. Procedures for Investigating Officers and Boards of Officers.

(3) AR 635-200. Enlisted Personnel, Ch 6

(4) AR 600-43. Conscientious Objection.

(5) DOD Directive 1215.8

c. Disenrollment Checklists. Disenrollment boards and investigating officers (IOs) must complete the checklist at fig. 7-5 & comply with Fig. 7-6 with each case of disenrollment. Any disenrollment action which fails to comply with these figures, will be returned for correction. If waiver of board proceedings is elected by the cadet, complete only Part I of the checklist.

d. More than One Basis for Disenrollment. In cases where there are more than one basis for disenrollment, each basis should be listed in the notification memorandum and investigated.

This helps ensure that the disenrollment authority may take final disenrollment action under the appropriate disenrollment provisions in AR 145-1. Boards and investigating officers should coordinate with their supporting SJAs in determining appropriate procedures in disenrollments, especially when more than one basis for disenrollment exists. Complete investigation ensures that disenrollment authority may take appropriate action if one basis for disenrollment is legally deficient or otherwise inappropriate.

e. Dispute of Debt. At the time of notification of disenrollment, all scholarship cadets must be given the opportunity to dispute the debt owed to the U.S. Government. If disputed, an IO (at a minimum) is required to determine the validity of the debt.

f. Relationship Between This Chapter and AR 15-6. In cases where AR 15-6 conflicts with this chapter, boards and IOs will follow the procedures of this chapter. Specific modifications to AR 15-6 are:

(1) In addition to situations defined in AR 15-6, para 1-3b (2), a "military exigency" exists when no field grade officer is assigned to the battalion conducting the disenrollment board.

(2) Appointing authorities will use paragraph 7-3 to determine whether to use informal (investigating officer(IO)) or formal (board) procedures.

(3) In addition to individuals listed in AR 15-6, para 2-1, the PMS/battalion commander may appoint a formal board.

(4) Investigating officers using informal procedures will use DA Form 1574 for the report of proceedings.

(5) Investigating officers using informal procedures will provide cadets with an opportunity for an in person or face-to-face meeting.

(6) Cadets subject to informal procedures shall be afforded the same rights to counsel as a respondent to a formal board.

7-2. PMS Actions When AR 145-1 Requires Disenrollment.

a. Identify The Basis For Action. The PMS identifies one or more bases for disenrollment as listed in AR 145-1, paragraph 3-43a to include any breach of contract not specifically listed in AR 145-1.

b. Notify the Cadet. The PMS notifies the cadet in writing of his intention to initiate disenrollment action and places the cadet on LOA in order to suspend scholarship benefits/subsistence. A sample format of the notification/acknowledgment memorandum is at figure 7-1. The PMS must cite the specific reasons and regulatory basis (subparagraph in AR 145-1, 3-43a) for disenrollment action and the amount of potential recoupment, if scholarship cadet.

c. Provide Information To The Cadet. The PMS will enclose the following with the notification/acknowledgment:

(1) A copy of all documentary evidence which supports the disenrollment action.

(2) A Privacy Act Release Statement. (CC FM 133-R)

(3) The Special Active Duty Provision (SADP) Statement of Understanding. (CC Fm 213-R)

(4) FOR SCHOLARSHIP CADETS: A copy of the DA Form 5315-R, U.S. Army Advanced Education Financial Assistance Record. Request form from Cadet Command, RMD, Pay Operations Division, via e-mail address: CADET PAY@MONROE.ARMY.MIL. Include cadet's name, SSN, contract date, current status, and an ROTC POC. Allow ten working days for receipt of certified form.

d. Notification Procedures.

(1) General. These notification procedures apply whenever this chapter requires that cadre provide notice or rebuttal opportunities to a cadet.

(2) Direct Delivery. The PMS should use reasonable efforts to ensure delivery of notification/acknowledgment to the cadet. This means that, whenever possible, the PMS will personally deliver the notification/acknowledgment to the cadet.

(3) Mail Delivery. Should direct delivery be impracticable, the PMS will send the notification to the cadet via certified mail, return receipt requested. The certified receipt and postal documents will be included in the cadet action to record the cadet's receipt or failure to deliver on the part of the Postal Service.

(4) Alternate Addresses. Should the Postal Service fail to make delivery because the cadet no

longer resides at the mailing address used, the PMS should forward the notification to the cadet's home of record/address listed when the cadet enrolled/contracted.

(5) Non-Delivery. Should reasonable efforts fail to result in documented delivery to the cadet, the PMS should complete an MFR to record exactly what attempts were made to ensure delivery and the results of those attempts.

e. Waiver of Board Proceedings. If the cadet responds to the notification and elects to waive the right to a hearing, and does not dispute the scholarship debt, the procedures of para 7-11 of this chapter apply and the PMS need not appoint an IO or board. If the cadet elects expeditious call to active duty (SADP), see para 7-11. NOTE: The PMS cannot offer the oncampus scholarship

f. Appoint IO or Board. The PMS will appoint a board of officers or IO IAW para 7-3, below if --

(1) After 10 working days of the acknowledged receipt by the cadet or a member of his/her family at the cadet's address, the acknowledgment memorandum is not received by the PMS, or

(2) The notification/acknowledgment memo is undeliverable.

7-3. Determination of Disenrollment Procedures.

If the cadet does not waive his/her right to a hearing, the PMS will use the following paragraphs to determine disenrollment procedures:

a. Investigating Officers (IOs). The PMS will appoint an investigating officer (IO) to conduct an informal investigation for cases which fall under AR 145-1, paragraph 3-43a (1) through (12).

EXCEPTION: Disenrollment under AR 145-1, para 3-43a (3), (5), (7) and (9) will be processed IAW para 7-12, below. (Ensure cadet is notified and placed on LOA IAW AR 145-1, para 3-43c, using procedures of CDT CMD PAM 145-4, para 5-3a(6)).

b. Formal Boards. The battalion commander/PMS must establish a formal board when there is reason to believe that a contracted cadet-

(1) Lacks the aptitude for military service (AR 145-1, para 3-43a(13)).

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(2) Possesses undesirable character traits (AR 145-1, para 3-43a(14)).

(3) Is indifferent to or has a lack of interest in military training (AR 145-1, para 3-43a(15)).

(4) Is in breach of the terms (includes willful evasion) of an Army ROTC student contract (AR 145-1, para 3-43a(16)).

(5) Demonstrates homosexual conduct. (AR 145-1, para 3-43a(17))

7-4. Appointment Of Formal Board/ IO.

a. Appointment Memo. A memorandum will be used to appoint a board of officers or an investigating officer. The battalion commander/PMS is normally the appointing authority, unless the PMS may be called as a witness. Brigade or region commanders may appoint a board or an IO; however, such cases are exceptions to the norm. Use the sample appointment memorandum, figure 7-2.

b. Board Composition. A board may be comprised of one, three or more (i.e., uneven) commissioned officers as voting members. Reserve officers will be either in an Active Duty or Active Reserve status. Army National Guard officers will not be appointed to disenrollment boards unless they also possess a USAR commission and are in Active Duty or Active Reserve Status. The battalion commander/PMS may not appoint himself/herself to the board. Under no circumstances will civilian institutional representatives or faculty members be appointed to a board of officers. Contract cadre may be appointed to boards when no possibility for recoupment exists (i.e., non-scholarship).

c. Recorder. While not required, a nonvoting recorder should be designated, especially if a single member board is appointed. In any event, a recorder must be a commissioned officer.

d. Board President. The board president shall be a field grade officer unless the appointing authority determines that this is not practical due to military exigencies (see para 7-1f(1)). If this determination is made, it will be made in writing and included in the file.

e. Oral Appointments. Although, in rare instances, appointments may be verbal due to time constraints, an appointment memorandum as required

by AR 15-6, paragraph 2-1b, must be issued in writing as soon as practical thereafter.

7-5. Actions Taken Prior To Formal Board/IO

a. Notify the Cadet. The investigating officer, junior member of the board, or recorder is responsible for preparing a cadet notification memorandum which shall comply with figure 7-3. This notice informs the cadet-respondent of the time, place and exact purpose(s) of the board or investigation.

b. Notification Procedures. The investigating officer, junior member of the board, or recorder will sign the notification and the cadet-respondent should receive this notice at least 5 working days in advance of the first session of any board. Utilize the methods listed under "Notification Procedures" at para 7-2d, above. Proof of delivery, along with a copy of the notice, will be included in the report of proceedings. All efforts should be made to ensure that the cadet is given actual notice of the impending board action or investigation. If the cadet-respondent requests a delay for good cause, at least one reasonably short (e.g., 2-5 days) delay should be granted and documented in the file.

c. Distribute Information To Board Members/Others. Ensure that all records and documents regarding the case are furnished, when appropriate, to the members of the board and, subject to security requirements, to any named cadet-respondent or his/her counsel.

d. Notify Witnesses. Provide 5-day minimum written notice to the cadet-respondent's, witnesses, and all others concerned (including, when appropriate, members of the board) of the date, hour, and exact place of convening.

e. Secure Witnesses. Arrange to have witnesses present at the hearing who are to testify in person (including witnesses desired by the cadet-respondent) and a reporter and interpreter, if required. An institutional representative must be invited to attend the proceedings. The invitation and acceptance/declination must be included in the file. Should the representative decline the invitation, no other review by the institution is required, except that cadre should honor any specific request for review of the completed file.

f. Secure Location. Obtain a suitable room for the hearing, and see that it is in order. Procure requisite stationery and other supplies to include electrical recording device if one is necessary.

7-6. Investigating Officer (IO) (Informal).

Informal investigations will be conducted IAW AR 15-6, Chapter 4 and this paragraph.

a. Interview the Cadet. The IO will afford the cadet the opportunity to appear personally before the IO.

b. Obtain Evidence.

(1) Standard. The proceedings will be conducted to obtain the best evidence reasonably available. Investigating officers will use AR 15-6, paras 3-4 and 3-6, in determining whether evidence is proper and admissible.

(2) Required Evidence. Evidence must be obtained to support disenrollment or retention, as appropriate, and to support recommendations regarding call to active duty, recoupment of scholarship funds, or waiver. At a minimum, evidence must be included to support the findings and recommendations required in para 7-8, below.

c. Take/Summarize Testimony. All testimony will be summarized in writing (DA Form 2823 should be used) and witnesses will be sworn when practical. Witnesses will be informed prior to making a statement if testimony is to be recorded.

d. Invite A University Representative. IOs will invite a university representative to attend any hearings (note: a hearing is not required but may be provided) or to review the record of proceedings.

e. Counsel. Cadets are entitled to the same right to counsel as stated below in para 7-7b.

f. Manner Of Investigation. As long as the requirements at paras a through e above are satisfied, the IO may conduct the investigation in any manner which is most efficient to determine the facts. For example, an investigation into failing to meet PT standards may be as simple as reviewing the PT card and counseling statements, gathering required documents of figure 7-6 and talking to the cadet. However, if the cadet presents matters for consideration, the IO shall document and address each issue.

g. Report. After completion of the investigation, the IO will complete the report of proceedings IAW para 7-8 below.

7-7. Formal Board Proceedings.

The following procedures apply to formal boards. Formal boards will be conducted IAW AR 15-6, Chapter 5 as modified here. All board members will read AR 15-6 prior to the board convening. Informal investigations shall follow procedures in para 7-6 above.

a. Advise Cadet Of Rights. The cadet-respondent is entitled to be present at all open sessions of the board. As a preliminary matter, the president should advise the cadet of the following rights and document doing so in the report of proceedings.

(1) Examine and object to the introduction of any real or documentary evidence.

(2) Cross-examine and object to the testimony of government witnesses.

(3) Call witnesses and otherwise introduce evidence.

(4) Testify as a witness, and that no adverse inference may be drawn from the exercise of the privilege against self-incrimination or election not to testify. DA Form 3881 (Rights Warning Procedure/Waiver Certificate) should be used (AR 15-6, para 3-6c(5)). If the cadet refuses to answer a question, the basis for refusal must be noted for the record.

(5) Challenge/object to any board member. However, the president makes final determination in this regard.

b. Right to Counsel. In addition to the rights above, the board president will remind the cadet of the right to counsel. The right to counsel is as follows:

(1) Cadets are entitled to any reasonably available military officer to serve as counsel. Cadets may also hire their own civilian counsel. They are not entitled to representation by a JAG officer or a civilian counsel at military expense.

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(2) Counsel is entitled to be present at all open sessions of the board; but is not allowed to speak/introduce evidence or make statements during proceedings.

(3) If the cadet-respondent waives the right to counsel that fact must be recorded in the board proceedings.

(4) Counsel will be given a reasonable opportunity to consult with the cadet-respondent. Reasonable opportunity does not include consulting before or after each and every question or statement.

c. Evidence.

(1) Standard. The proceedings will be conducted to obtain the best evidence reasonably available. Boards will use AR 15-6, para 3-4 and 3-6 in determining whether evidence is proper or admissible.

(2) Required Evidence. Evidence must be obtained to support disenrollment or retention, as appropriate, and to support recommendations regarding call to active duty, recoupment of scholarship funds, or waiver. At a minimum, evidence must be included to support the findings and recommendations required in para 7-8, below.

d. Cadet's Presence. The cadet should be present at the hearing; however, if after proper notice, he/she does not appear for the hearing, the board of officers may proceed with the hearing and make findings and recommendations in the cadet's absence. If the board is held in the cadet's absence, all efforts to secure the cadet's presence and reason for absence (if known) must be made part of the record.

e. Testimony.

(1) A Privacy Act Statement, ROTC Cadet Comd Form 133-R, will be furnished to and signed by the cadet respondent prior to making statements or giving testimony. A copy of the statement will be enclosed with the report of proceedings. The statement may also be provided orally; however, the officer who provided the statement will prepare a memo to that effect for inclusion into the report of proceedings.

(2) During the board proceeding, witness statements should be under oath and be elicited by questions and answers. These statements shall be

summarized and included in the report of required by the appointing authority (a tape or video recorder may be used for that purpose, however, witnesses will be informed prior to being taped).

f. Report. At the completion of board proceedings, the board president (or recorder, if appointed) will prepare the report of proceedings IAW para 7-8.

7-8. Report of Proceedings.

a. Findings and Recommendations. Findings and recommendations must be supported by the facts contained in the record, and will not be based upon personal knowledge not documented in the report of proceedings.

(1) Findings. A finding is a statement of fact or conclusion based on the evidence of record. Findings must be supported by substantial evidence and that evidence must be of greater weight than the evidence which would support another conclusion. The findings will be stated in a form that gives a coherent and clear recital of the facts established by the evidence and should relate to and must be sufficient to support the recommendation. Findings should be arranged in a logical order. In order to return a finding that a cadet was in breach of the terms of the ROTC contract, it is essential that all of the following points be established:

(a) The cadet entered into a valid contract with the United States.

(b) The terms of the contract were in effect when the cadet performed an act that was prohibited or failed to perform an act that was required.

(c) That this act constituted a material breach of contract.

(2) Recommendations. Recommendations must be appropriate to and warranted by the findings. The board must make findings of fact that will support a recommendation that--

(a) The cadet should be retained in the ROTC Program; or

(b) The cadet should be disenrolled from the ROTC Program, scholarship benefits should be recouped, and cadet should not be ordered to active duty (scholarship); or

(c) The cadet should be disenrolled from the ROTC Program and be ordered to active duty in a Reserve enlisted grade (Private E1) for 2 or more years, as appropriate.

(d) The cadet should be disenrolled from the ROTC Program without further obligation. If scholarship cadet, recoupment of scholarship benefits and call to active duty should be waived. Reasons for this recommendation must be specifically made in writing (see b. below).

b. Recoupment/Active Duty. For disenrollments UP AR 145-1, para 3-43a (4), (6) and (8) through (17), recoupment or call to active duty is generally appropriate. Recommendation **not** to repay or be ordered to active duty will be the exception and must be thoroughly documented with complete written justification for supporting waiver. The following reasons are unacceptable for **not** requiring recoupment or active duty, as appropriate --

- (1) Discontinuation of military career objective.
- (2) Other offers of employment.
- (3) Academic failure deemed willful on the part of the cadet.
- (4) Withdrawal from school or ROTC.
- (5) Failure to maintain APFT/height/weight standards.
- (6) Breach of contract (including voluntary breach).
- (7) Inaptitude for MS/indifferent attitude.
- (8) Misconduct.

c. Disenrollments UP AR 145-1, para 3-43a (2), (3), (5) and (7) do not normally call for recoupment or active duty, except for failure to disclose a fact or condition that will be processed in accordance with para 7-12 below.

d. Procedures. Processing for recoupment or order to active duty will be IAW 7-13 below.

e. Minority Report. A board composed of more than one officer arrives at its findings and recommendations by voting. A majority vote of the voting members present makes the determinations on the questions before the board (note quorum must be

present for votes UP AR 15-6). A minority report may be prepared by any member who disagrees with the majority's decision (AR 15-6, para 3-13).

f. Final Board Action.

(1) DA Form 1574. The report of the proceedings of an investigating officer or a board of officers shall be prepared on the current edition of DA Form 1574. Enclosed or attached to the DA Form 1574 will be items in order as listed in figure 7-6.

(a) The record will be clear and legible.

(b) Erasures, insertions, and other changes will be initialed by the investigating officer, the recorder or another member of the board officers.

(c) Additional pages will be numbered at the bottom, and a reasonable margin will be left at the top, bottom and sides of each page.

(2) Approval Authority. For approval authority of disenrollment proceedings see figure 7-4.

7-9. Appointing Authority Actions After Receiving Report of Proceedings.

a. Review. The appointing authority will review the proceedings to ensure they comply with figures 7-5 and 7-6 prior to taking any action.

b. Concur or Modify. The PMS (or other appointing authority) will specifically indicate whether each recommendation concerning disenrollment, recoupment, and call to active are approved on DA Form 1574 or an attached sheet. The appointing authority will explain the basis for any non-concurrence.

c. Forward to Cadet for Rebuttal. After the above action, the PMS will forward a copy of the record to the cadet giving him/her an opportunity to rebut the findings and recommendations IAW AR 15-6, para 1-8c.

(1) Notification Of Rebuttal Rights. The PMS must use the same procedures to notify the cadet of his/her rebuttal rights as listed under "Notification Procedures" at para 7-2d, above.

(2) In all cases, the PMS will include a record of the cadet's rebuttal notice and any rebuttal received as an exhibit to the DA Form 1574.

d. Complete DA Form 1574. The PMS (or other appointing authority) will record his/her action as final approval authority on DA Form 1574, section VIII (provided the battalion commander/PMS was not a witness). If the PMS was a witness, the board must be forwarded to the next echelon for approval authority. The appointing authority will review the rebuttal (if any) prior to completing this section and forwarding his/her recommendation(s) for approval and final action as required below.

7-10. Processing Completed Disenrollment Actions.

a. Completed board actions (IOs and formal) , whether recommending retention or disenrollment, will be processed for approval as follows:

(1) Nonscholarship Cadets. The battalion commander/PMS will forward appropriate copies of the board proceedings to region headquarters for administrative and legal review and processing.

(2) Scholarship Cadets. The battalion commander/PMS will forward the appropriate copies of the board proceedings to region headquarters for administrative and legal review. Region headquarters will make an appropriate recommendation and forward to Headquarters, Cadet Command for final decision. (Note all disenrollment determinations concerning scholarship cadets are made by Cadet Command. In these cases, the appointing authority's actions serve as a recommendation.)

(3) SMP Cadets. In any case where the disenrollment action pertains to an SMP cadet, the battalion commander/PMS will note on ROTC CADET COMD Form 131-R, forwarding with the case file the status of the SMP cadet in regards to his/her Reserve Component unit, i.e., is the cadet in good standing, etc. Any action pertaining to an SMP cadet not clearly reflecting the cadet's status will be returned without action until the record is corrected to clearly reflect the cadet's status.

b. Administrative Matters. Payment of subsistence allowance will be stopped on the date the cadet is placed on leave of absence pending disenrollment action. The Cadet Data Base will be updated to reflect the LOA action. The disenrollment information will also be updated in the Cadet Data Base within 5 working days once the final disenrollment decision is received.

c. Cadet disposition after boards.

(1) A cadet pending disenrollment will not be authorized to participate in ROTC as a conditional student, or be permitted to audit the course, except in instances where the institutional policy authorizes such participation.

(2) Cadet disposition will be based on the approved recommendations in para 7-8a(2) above. If Active Duty is not ordered, non-scholarship cadets will –

(a) if non-prior service, be discharged upon disenrollment. Effective date of discharge will be the date of disenrollment from ROTC.

(b) if prior service, be transferred to the IRR.

(c) if SMP participant, remain obligated to complete their Military Service Obligation (MSO) with their Reserve Component unit upon disenrollment from the ROTC Program.

(3) Scholarship cadets subject to recoupment will be processed IAW para 7-13 below.

(4) Any scholarship or nonscholarship cadet under consideration for call to active duty will not be discharged/disenrolled from ROTC until determination has been received from Headquarters, Cadet Command (in the case of a scholarship cadet) or the region commander (in the case of a nonscholarship cadet). If it is determined that the cadet will be ordered to active duty, the cadet will not be discharged, and the appropriate headquarters will issue active duty orders.

(5) Call to active duty will be processed in accordance with AR 135-210 and para 7-13 below.

7-11. Waiver of Board Procedures.

The following procedure serves as an alternative method for disenrollment of scholarship and nonscholarship ROTC cadets. Under this procedure cadets who are being disenrolled may waive their right to a board of officers or appointment of an investigating officer as required by directives and regulations (See Figure 7-1 for sample memorandum).

a. No university official participation is required.

b. Cadet Statements With Waiver. If the cadet submits statements with the response to notification, PMS will review and determine if a board of officers or an investigating officer should be appointed. If the cadet disputes the debt during the waiver process, an I.O. or formal board, as appropriate must be convened to investigate the facts of the case, and make recommendations concerning disenrollment and the validity of the debt.

c. Actions Following Cadet Waiver of Board Procedures. If the cadet responds to the notification and elects to waive the right to a hearing, the following applies –

(1) Scholarship cadets. PMS will forward the disenrollment notification and supporting documents, to include DA Fm 597-3, DA Fm 5315-R (obtained from Cadet Comd, RM), and ROTC Cadet Comd Fm 131-R, directly to HQCC, for a final review and decision. Action will be taken by HQCC to disenroll and initiate recoupment or active duty IAW para 7-13 below. Once a decision is made the PMS will be advised to disenroll and discharge the cadet and update the Cadet Data Base.

(2) Nonscholarship cadets. PMS will forward the disenrollment and enclosures, DA Form 597 and ROTC Cadet Comd Form 131-R to Region Headquarters for a final review and decision. If Active Duty is not ordered, the following applies --

(a) If a non-prior service cadet, the PMS will disenroll/discharge the cadet with no further obligation.

(b) If a member of the SMP, the battalion commander/PMS will release to the control of ARNG unit or USAR TPU for fulfillment of current enlistment obligation and any outstanding statutory obligation, if appropriate.

(c) If prior service (non-SMP), the cadet will be transferred by Battalion Commander/PMS to the IRR for completion of the contractual and any remaining statutory military service obligation (MSO).

d. If the cadet (whether scholarship or nonscholarship) elects and is eligible for the SADP option, expedite the action to the appropriate Headquarters for issuance of Active Duty orders. A copy of the orders will be furnished to the PMS.

e. Action by Higher HQ. If the case is determined administratively or legally insufficient, the file will be returned to the PMS for corrective action which may include appointment of a board or an investigating officer or retention of the cadet in the program as appropriate.

f. Revocation of Waiver. If the cadet elects to appear before an investigating officer or a board of officers as appropriate, or if, having previously waived the right to a hearing by a board or an investigating officer, subsequently elects to appear before a board or investigating officer, as appropriate, prior to a final decision being made, the action will be processed in accordance with para 7-3.

7-12. Special Situations.

a. Medical Disenrollments. Medically disqualified cadets are handled as follows:

(1) Scholarship Cadets. Battalion Commander/PMS will submit a request for determination/waiver to HQ, Cadet Command. (Appointment of I.O. or board of officers is not required.)

(a) If the Cadet Command Surgeon determines that the cadet is medically disqualified and not eligible for waiver, and there is no failure to disclose, the cadet will be disenrolled.

(b) Failure to Disclose. If the Cadet Command Surgeon, or other staff or cadre, determine that the cadet may have failed to disclose an pre-existing medical condition on his entrance physical or at the time of contracting, the PMS will be directed to appoint an IO and follow the disenrollment procedures applicable to misconduct. An IO will make specific findings to support or refute the failure to disclose and will specifically make a determination whether any failure to disclose constituted misconduct. Whether the findings support or refute failure to disclose, the IO will make recommendation on recoupment in accordance with paras 7-8a(2) & b above.

(c) Recoupment/AD. Cadets disenrolled for medical disqualification will not be ordered to active duty or recommended for recoupment, except as directed above. Recoupment would be proper if the medical condition resulted from an act of misconduct, however in that case the disenrollment will not be processed as a medical disqualification.

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(2). Nonscholarship Cadets Permanently Disqualified Not Desiring a Waiver. See para 2-31e(3) above. An IO is required if cadet does not waive rights.

(3) Nonscholarship Cadets Desiring a Waiver. The Battalion Commander/PMS will submit request to HQ, Cadet Command without appointing an IO.

b. Conscientious Objector.

(1) Disenrollment Grounds. In accordance with AR 145-1, paragraph 3-3b (1), these individuals will be processed under the provisions of AR 600-43.

(2) AR 600-43. The requirements of AR 600-43 must be strictly followed for Conscientious Objector disenrollments. Note that AR 600-43 imposes special board notification and other procedures not contained in this Pamphlet. Any deviation from the AR 600-43 requirements will cause the record to be returned for corrective action, because deviations are generally unacceptable to the DA Conscientious Objector Review Board.

(3) Recoupment/AD. Cadets disenrolled for Conscientious Objector status will not be ordered to active duty, however recoupment of scholarship benefits is normally appropriate. Any recommendation to waive recoupment must be specifically explained in the findings and recommendations.

c. Personal Hardship/Dependency.

(1) AR 635-200. Personal Hardship or Dependency. These individuals will be processed under the provisions of AR 635-200, chapter 6.

(2) Recoupment/AD. Cadets disenrolled for personal hardship or dependency will not be ordered to active duty, however recoupment of scholarship benefits may be appropriate in some circumstances. IOs will make a recommendation concerning recoupment in these cases.

d. Disenrollment At Cadet's Own Request.

(1) Nonscholarship Basic Course Cadets. Battalion Commanders may disenroll these cadets upon their request by updating Cadet Data Base.

(2) Scholarship cadets who have not reached their obligation point may withdraw from the program without initiation of disenrollment

procedures. EXCEPTION: Four year Green-to-Gold scholarship cadets are obligated from the first class of MS I year (See AR 145-1, para 3-39).

(3) Obligated cadets may not withdraw at their own request without obligation except as specified in this Chapter.

e. USMA Appointments. Cadets who accept USMA appointments are viewed as accessing into the Army and, as such, must request release for the specific purpose of entering USMA, which disenrollment authorities will generally approve. However, such approval does not relieve the student of the service obligation incurred under any ROTC scholarship contract. Should the cadet fail to complete the USMA program, accept a commission when tendered, or serve the ROTC service obligation, the cadet will be obligated to satisfy his or her contractual obligation through either active enlisted service or repayment of all scholarship financial assistance.

f. See para 7-14 below for procedures prior to disenrollment/discharge of cadets.

7-13. Recoupment or Order to Active Duty.

a. Scholarship Cadets.

(1) Once the disenrollment procedures are approved by HQ, Cadet Command, action will be taken to notify the cadet of the final results and his/her obligation IAW appropriate regulations.

(2) Scholarship cadets will not be disenrolled or discharged without directive from HQ, Cadet Command.

b. Nonscholarship Cadets. Once disenrollment procedures are approved by Region Headquarters the following guidance applies --

(1) If cadet is subject to active duty, Region Headquarters will issue orders placing the cadet on active duty UP AR 135-210.

(2) When the disenrollment authority approves disenrollment without active duty for nonscholarship cadets, the PMS will discharge the cadet if BT or IADT has not been completed. Effective date of discharge will be the date of disenrollment from ROTC. Cadets who have completed BT/IADT will be transferred to the IRR. SMP participants remain obligated to complete their Military Service Obligation (MSO) with their Reserve Component unit upon disenrollment from the ROTC program.

(3) Nonscholarship cadets will not be disenrolled or discharged without directive from either Region Headquarters or HQ, Cadet Command.

7-14. Procedures Prior To Discharge.

Cadets will not be disenrolled/discharged without authorization from appropriate authority. In any instance, whether board, IO or waiver of board procedures are used, the PMS will ensure –

a. Cadet Data Base is updated within 5 working days after receipt of decision by disenrollment authority, termination authorization control number, reason for and date of disenrollment, etc.

b. All issued uniform and equipment items are recovered.

c. Discharge order is mailed to cadet.

d. DD Form 785 is prepared and retained along with ROTC CDT CMD Form 139-R and the Cadet Record Brief for 5 years.

Appendix A

References

Required Publications

Cadet Cmd Pam 145-4, Ch 03

ATO ____ - (145) (Date)

MEMORANDUM FOR (Cadet name/address)

SUBJECT: Disenrollment of Scholarship/Non-scholarship Cadet from ROTC - Cadet _____

1. Under the provisions of Army Regulation 145-1, paragraph 3-43 (____) I am initiating your disenrollment from the ROTC program due to (specific reason: e.g., failure to maintain a minimum GPA; Advanced Camp failure; indifferent attitude as evidenced by frequent absences from military science classes, etc.). I am placing you on leave of absence (or, if appropriate, on administrative suspension of benefits) pending disenrollment. Supporting documents for disenrollment action, e.g., transcript, counseling statements, etc.) are enclosed.
2. You may request a hearing by a board of officers or an investigating officer; or you may waive your right to a hearing.
3. You may consult with any reasonably available military officer (who need not be an attorney) or civilian counsel at no expense to the Government to help you decide whether or not to waive a hearing and otherwise to assist you in exercising your options. If you desire me to designate a non-lawyer military officer for you, you should make your request as soon as possible.
4. You may submit written statements in your behalf.
5. You must sign and return this notification within 10 working days of its receipt in order to waive your rights to a hearing. If you fail to respond within that period of time, a board of officers or investigating officer will be appointed to hear your case.
6. If you elect a hearing before a board of officers or an investigating officer, as appropriate, and then fail to appear, such absence will be considered a waiver of your right to personal appearance. The case will be processed in your absence unless you request a delay and it is granted.
7. The recommendations of a PMS or board of officers or investigating officer are not binding upon the disenrollment approval authority.
8. You retain the status of cadet until disenrollment and discharge action is complete, and as such, may not enlist in any other military service or component. (NON-SCHOLARSHIP- You will either be discharged without further obligation (non-SMP, non-prior service), transferred to IRR, or released to your unit.
9. **(USE FOR SCHOLARSHIP CADET ONLY)** You may be required to repay the amount of scholarship benefits in the amount of \$_____ received or you may be called to active duty in your reserve enlisted grade of Private E1. A copy of the DA Fm 5315-R, Financial Assistance Record, is enclosed for your review. You may dispute such a debt is owed; however, if you do so, an investigating officer will be appointed to investigate the facts of the case to determine the validity of the debt. The findings will be reported to the Commanding General, Cadet Command for appropriate action and final decision.
10. If eligible, you may choose the expeditious call to active duty in your reserve enlisted grade of Private E1 in order to satisfy the breach of contract. If you elect this option, complete and return the enclosed Statement of Understanding.

Figure 7-1. Sample Notification/Acknowledgment Memorandum

SUBJECT: Disenrollment of Scholarship Cadet from ROTC –
Cadet _____

11. You must complete, sign and return the enclosed Privacy Act Statement and the Statement of Understanding (Special Active Duty Provision), if applicable, along with the below signed acknowledgment.

Encls

(PMS Signature Block)

ACKNOWLEDGMENT OF CADET

I have read and thoroughly understand the above statements under which my scholarship is being terminated and I am being disenrolled from the ROTC program. I understand that once my scholarship is terminated by the appropriate approval authority in accordance with applicable law and regulation, it may be offered to another qualified applicant.

a. I elect to --

_____ waive my right to a hearing acknowledging that the amount of the debt as stated in this memorandum is correct

_____ request a board of officers or investigating officer be appointed to review my case

b. I also elect to --

_____ decline expeditious call to active duty

_____ accept expeditious call to active duty - I understand this option is contingent on my eligibility for active duty (Statement of Understanding is enclosed)

(Signature)

(Date)

Printed Name: _____

Permanent Address: _____

Phone Number: (_____-) _____

Figure 7-1. Sample Notification/Acknowledgment Memorandum - Continued

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ATO_-(145)

(Date)

MEMORANDUM FOR (Board President)

SUBJECT: Appointment of a Formal Board of Officers/**Investigating Officer** to Determine Suitability for retention in the Army ROTC Program

1. A board of Officers/**Investigating Officer** is hereby appointed pursuant to AR 15-6 and AR 145-1 to hear evidence and determine if Cadet_____ should be disenrolled for _____.

2. The following members are appointed:

NOTE: The senior member will be the president of the board and will be listed first, followed by other members in rank order. The junior member will serve as the board recorder (with or without vote). If the recorder is a voting member, the appointment memorandum must so state.

3. The scope of the investigation will include but not be limited to:

Examples of specific matters to consider:

a. Did Cadet _____ enter into a valid Army Senior Reserve Officers' Training Corps (ROTC) Cadet Contract (DA Form 597), or Army Senior Reserve Officers' Training Corps (ROTC) Scholarship Cadet Contract (DA Form 597-3), of his/her own volition?

b. Did Cadet receive monies from the U.S. Government in the form of subsistence allowances and/or scholarship benefits while enrolled in ROTC?

c. Are there grounds for disenrollment of Cadet_____ in accordance with AR 145-1, paragraph 3-43a()?

d. **If disenrollment is recommended should cadet repay the amount of scholarship benefits in the amount of \$ _____ or be called to active duty?**

e. **(USE ONLY IF APPLICABLE) If cadet is disputing the debt, investigate the facts and hear evidence presented by the cadet or other persons, as appropriate, in order to determine the validity of the debt.**

f. **(USE ONLY IF APPLICABLE)** Did Cadet_____ exhibit homosexual conduct? Homosexual conduct is a homosexual act, a statement by a cadet that demonstrates a propensity or intent to engage in homosexual acts, or a homosexual marriage or attempt marriage.

4. **(USE ONLY IF APPLICABLE)** If homosexual conduct is being considered as grounds for disenrollment, the board will read the Army's implementing guidance for the DOD policy on homosexual conduct. If a cadet has exhibited homosexual conduct for the purpose of avoiding military service and disenrollment would not be in the best interest of the Army, a finding should be made to that effect.

5. **(USE ONLY IF FORMAL BOARD)** The board will use formal procedures under AR 15-6, chapter 5, as modified by Cadet Command Pam 145-4. Board proceedings may be verbatim or summarized. Cadet_____ is designated as the respondent. Counsel for the respondent, if requested, will be designated by subsequent correspondence.

Figure 7-2. Sample Appointment Memorandum

SUBJECT: Appointment of a Formal Board of Officers to Determine Suitability for retention in the Army ROTC Program

6. You will completely familiarize yourself with applicable provisions of AR 15-6, AR 145-1 and Chapter 7 of Cadet Cmd Pam 145-4.

7. The report of proceedings will be prepared on DA Form 1574 and submitted to me no later than ____ days after the close of proceedings. The board must arrive at findings which will support one of the following recommendations: (a) the cadet should be retained in the ROTC program; or (b) the cadet should be disenrolled from the ROTC Program for breach of the terms of his/her ROTC contract; **Additionally the board must recommend whether the cadet should or should not be ordered to active duty and whether recoupment of scholarship benefits should or should not be made.**

8. The board/**Investigating officer** will serve until final action has been taken by the approval authority, and the battalion commander/PMS has been notified of the decision. **(USE ONLY FOR INFORMAL BOARDS) Should you discover any evidence during your investigation that other circumstances requiring the appointment of a formal board of officers, you will cease your investigation and notify me immediately.**

Appointing Authority
Signature Block

Figure 7-2. Sample Appointment Memorandum – Continued

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ATO_-(145)	(Date)				
MEMORANDUM FOR (Cadet/Respondent)					
SUBJECT: Notification of Respondent to a Board of Officers/Investigating Officer					
<p>1. A board of officers/investigating officer has been appointed to hear evidence and determine your suitability for retention in the Army ROTC Program. The board/investigating officer may recommend to the battalion commander/Professor of Military Science that you be retained in the ROTC Program, that you be disenrolled from the ROTC Program for breach of the terms of your ROTC contract.</p> <p>2. The specific matters to be investigated are as follows (set forth each allegation that the board/investigating officer will investigate in detail):</p> <p>a. That you entered into a valid Army Senior Reserve Officers' Training Corps (ROTC) Cadet Contract (DA Form 597), or Army Senior Reserve Officers' Training Corps (ROTC) Scholarship Cadet Contract (DA Form 597-3), of his/her own volition.</p> <p>b. (SCHOLARSHIP ONLY) That you received monies from the U.S. Government in the form scholarship benefits while enrolled in ROTC in the amount of _____.</p> <p>c. (USE ONLY IF APPLICABLE): That you are disputing said debt.</p> <p>d. That there are grounds for your disenrollment in accordance with AR 145-1, paragraph 3-43a(____), i.e., _____.</p> <p>e. Whether you should repay scholarship benefits received in the amount of _____ or be called to active duty.</p> <p>3. You are entitled to any reasonably available military counsel. As an alternative, you may retain civilian counsel at your own expense. Although this counsel is not required to be a lawyer, the individual selected should be sufficiently mature and experienced to be of assistance to you. Your counsel may assist you in the preparation of your case and be present with you at all open sessions of the board. Counsel is not permitted to take part in the board proceedings, in a representative capacity.</p> <p>4. (Optional for IO) Unless you request additional time, a hearing will be held at (give time, date, and exact place).</p> <p>5. I will endeavor to arrange for the presence of any witnesses you may desire. It is anticipated that the following witnesses will be present: (list witnesses by name and rank). If the name of a witness is not known, the position that the witness held at the time the operative facts occurred should be described fully; i.e., the noncommissioned officer-in-charge at (name of facility) that administered your hearing test on (date).</p> <p>6. After completion of the board/investigation you will be given the opportunity to rebut the findings and recommendations. The report's findings and recommendations are advisory only. The report along with any rebuttal will be forwarded to CG, Cadet Command(Scholarship)/Region Commander (Non-scholarship) for final determination.</p> <p>7. You will keep the battalion commander/PMS informed of your current address and phone number until this action is resolved. Contact me immediately if you have any questions, if you find any of these instructions unclear, or if you need any other assistance.</p> <tr><td>(Attach certification of mailing/hand delivery)</td><td>Appointing Authority</td></tr> <tr><td></td><td>Signature Block</td></tr>		(Attach certification of mailing/hand delivery)	Appointing Authority		Signature Block
(Attach certification of mailing/hand delivery)	Appointing Authority				
	Signature Block				

Figure 7-3. Sample Notice to Cadet of Board/IO

**(PRINT AND INSERT EXCEL SPREADSHEET –
“DISENROLLMENT APPROVAL AUTHORITY FOR
SCHOLARSHIP AND NONSCHOLARSHIP CADETS”)
(DISENROLLMENT MATRIX.EXL)**

Figure 7-4. Disenrollment Approval Authority Matrix

CHECKLIST FOR DISENROLLMENT ACTIONS

PART I

Actions by Battalion Commander/PMS (Review Paragraphs 7-1 and 7-2)

- _____ Determine one or more bases for disenrollment action.
- _____ Gather supporting documentation (transcript, Privacy Act Form, SADP statement, etc.)
- _____ Provide disenrollment notification with supporting documents to cadet, place on LOA (Figure 7-1).
- _____ Retain evidence of notification (certified mail receipt, etc.)
- _____ If cadet waives rights to a board, does not dispute debt, or chooses the SADP option, process IAW para 7-11.
- _____ If cadet does not waive rights or respond to notification within 10 working days, or if notification is undeliverable, see Part II below.

PART II

Actions of IO/Board Prior to Hearing (Review Paragraphs 7-3, 7-4 and 7-5)

- _____ Appoint an investigating officer or formal board, as appropriate (Figure 7-2).
- _____ Retain a copy of the IO/board appointment in the file.
- _____ Notify cadet of LOA if above Notification Memorandum was undeliverable (Para 5-3).
- _____ Notify the cadet of the board (Figure 7-3). Retain a copy in file.
- _____ Notify/secure witnesses, if appropriate (Para 7-5d and 7-5e).
- _____ Notify the University Representative. Retain a copy of notification and response in the file (Para 7-5e).
- _____ Retain documentation that shows the cadet had notice 5 days in advance of the investigation or board, includes:
 - mail receipt; receipt acknowledgment; MFR of phone conversation
 - If above is not available then ensure notification is sent by certified mail to last known address and any permanent address. Also attempt to contact by phone and document efforts.
- _____ If cadet is to appear at hearing they must have signed a Privacy Act Statement (ROTC Cdt Comd Fm 133-R). Retain in the file.

Figure 7-5. Checklist for Disenrollment Actions

PART III

Board Proceedings (Paragraphs 7-6, 7-7 and AR 15-6, Fig 3-1)

- _____ Swear Board.
- _____ Explain board proceedings to cadet and inform of possible outcomes to include recoupment of scholarship funds or call to Active Duty.
- _____ Inform cadet of rights against self-incrimination (AR 15-6, para 3-6c and DA Fm 3881).
- _____ Provide for opening statements.
- _____ Provide for evidence presentation.
- _____ Swear all witnesses.
- _____ Provide for closing statements.
- _____ Conduct deliberations in closed session.

NOTE: See paragraph 7-6 for guidance on informal investigation proceedings.

PART IV

Board Proceedings/Findings (Paragraph 7-8 and DA Fm 1574)

- _____ Informal: Complete Sections I, II, IIIa, IV, V and VI.
- _____ Formal: Complete all sections.
- _____ Include verbatim transcript, or,
- _____ Summarize the testimony of all witnesses and cadet.
- _____ Summarize evidence reviewed by board and include as an exhibit.
 - May merely list exhibits reviewed.
- _____ Make a recommendation for retaining or disenrolling.
 - Cite paragraph of AR 145-1, para 3-43a which applies.
 - State specifically how cadet failed to meet requirement of cited paragraph.
- _____ Make a recommendation for recoupment or call to active duty.
 - If recoupment or Active Duty not recommended, specifically state why (See para 7-8b).

Figure 7-5. Checklist for Disenrollment Actions – continued

PART V

Appointing Authority Actions After Receiving Recommendations of the Board (Paragraph 7-9)

- _____ **Specifically comment whether disenrollment and recoupment are approved or disapproved on DA Fm 1594.**
- _____ **If disenrollment is recommended without recoupment or call to Active Duty, specifically address why (See para 7-8b).**
- _____ **Forward record to institutional representative if not previously invited. (Retain copy of forwarding correspondence and any response in the file).**
- _____ **Forward the record to cadet for opportunity of rebuttal as indicated below.**

Rebuttal (Paragraph 7-9)

- _____ **Forward record and all exhibits to cadet with rebuttal notice.**
 - **Ensure documentation includes proof of delivery.**
- _____ **If rebuttal received, forward with packet to approving authority.**
 - **If notice of rebuttal rights is undeliverable, attempt to forward to other known addresses and document all efforts.**

Figure 7-5. Checklist for Disenrollment Actions – continued

ADDITIONAL GUIDANCE

1. No matter how thorough an investigation is conducted, all information must be made a matter of record and included in the report of proceedings or the action may be unsupportable if challenged in a Federal court.
2. Notification to the cadet of the impending board action must be documented in the record. The notification memorandum (Fig. 7-3) should be presented to the cadet at least 5 working days before the hearing. The notice must always address who, what, when, where and why.
3. The cadet will be informed of his/her right to counsel, and the availability of counsel in accordance with AR 15-6, para 5-8.
4. The cadet should have a non-lawyer military counsel appointed, unless there has been an affirmative waiver of that right or the cadet has retained other counsel (at his/her own expense). (recommended, not required)
5. The president and members of the board should always read the applicable portions of 145-1, AR 15-6, and the contract which apply to the cadet prior to the board convening to consider the case.
6. A copy of the report of proceedings must be given to the cadet after the battalion commander/PMS has taken action and that fact is to be documented in the record.
7. Subsistence allowance, as deemed by Congress, is not recoupable and as such, repayment is not required, unless erroneously expended.
8. For formal proceedings the cadet will be notified he/she may challenge the appointment of board members for cause (AR 15-6, para 5-7).
9. The cadet will be given a reasonable amount of time to prepare his/her case (a minimum of 15 days is recommended. This includes granting one reasonable delay of hearing if requested.
10. All records and documents will be made available to the cadet (AR 15-6, para 5-8). Documents will be made available to counsel through the cadet.
11. After conclusion of the hearing the voting members will meet in closed session for deliberations. (AR 15-6, para 3-12)
12. The cadet will be allowed to be present with counsel for all open sessions of the hearing (AR 15-6, para 5-8).
13. Recommendations must include recommendation for recoupment of scholarship funds.
14. DA Form 1574 will be used in all cases.
15. In order to avoid the appearance of undue influence, the appointing authority should not attend the hearing except if it is necessary for him/her to testify.
16. If the battalion commander/PMS appears as a witness, then the battalion commander/PMS cannot be the approving authority.
17. All counseling statements, which indicate level of performance, will be included in the record.
18. If any questions arise during the processing of a board action, refer to the region headquarters or its servicing staff judge advocate for assistance.

Figure 7-5. Checklist for Disenrollment Actions - continued

Required Format for Disenrollment Record

Packet will include (if applicable) in the following order:

Cadet Comd Fm 131-R (include SMP status, if applicable (para 7-10) 1574 with proceedings.

Index of enclosures.

Encl A - All exhibits (number each exhibit)--

- Counseling statements
- PT card (if applicable)
- Court records (if applicable)
- Other supporting exhibits, etc.

Encl B - Rebuttal notice (include mail certifications)--

- MFR of phone conversation (if applicable)
- Rebuttal/cadet statements

Encl C - LOA memorandum to cadet, if applicable.

Encl D - Notification/Acknowledgment Memorandum (include mail certifications) (Figure 7-1).

Encl E - Privacy Act Statement (CC Fm 133-R).

Encl F - Appointment of IO/board - MFR if formal board president not a field grade officer (Figure 7-2).

Encl G - Notification of board to cadet (include mail certifications) (Figure 7-3).

Encl H - Notification of University Representative --

- University Representative response
- University Representative review

Encl I - Cadet's Contract (DA Form 597 -pages 1,6 & 7) or (597-3- pages 1,8,9 & 10).

Encl J - Academic Transcripts (if academic failure is the reason for disenrollment, include in encl a).

Encl K - Proof of funds expended (DA Fm 5315-R, U.S. Army Advanced Education Financial Assistance Record).

Encl L - DD Form 4 Series (Enlistment Contract).

Figure 7-6. Required Format for Disenrollment Record